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Notice of Allowability	Application No.	Applicant(s)	
	10/670,556	STEIGERWALD, MICHAEL	
	Examiner	Art Unit	
	James J. Leybourne	2881	

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 05 February 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>020504</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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DETAILED ACTION

Allowable Subject Matter

1. Claims 1-21 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Regarding independent claim 1, the prior art fails to disclose or make obvious an electron beam source comprising:

- an extraction field for extracting the electrons from the source surface
- a heater for heating the cathode body
- a photon source with an adjustable intensity directed onto the source surface
- a detector providing a measuring signal of the electron beam current; and
- a controller configured to control the intensity of the photon beam in two modes:
 - a normal mode of operation in which the photon beam is directed onto the surface of the electron beam source and
 - a different mode in which the photon beam is not directed onto the source surface, and wherein the electron beam current is higher than about 0.3 times the electron beam current in the normal mode of operation.

Claims 2-16 are allowed by virtue of their dependency on claim 1.

With respect to the independent claim 17, the prior art fails to disclose or make obvious an electron optical apparatus comprising: an objective lens for focusing a

beam of electrons at a location in an object plane of the objective lens, and an electron beam source as disclosed in claim 1.

Claims 18 and 19 are allowed by virtue of their dependency on claim 17.

Regarding independent claims 20, the prior art fails to disclose or make obvious a method for operating an electron beam source as disclosed in claim 1.

Claim 21 is allowed by virtue of its dependency on claim 20.

The main features that separates the apparatus and method apart from prior art is the combination of a heater, an extraction field and a photon beam in an electron beam source and a controller for the electron source acting in two different modes wherein the photon beam is "on" in the normal mode of operation and is "off" in a different mode of operation, thus providing the capability of adjusting the intensity of the beam current during normal operation by controlling the photon beam based on measuring the electron beam current.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance"

Relevant Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In USPN 3909663, Thomas et al. disclose an electron beam control in which the main cathode is indirectly heated by a directly heated auxiliary cathode.

Conclusion

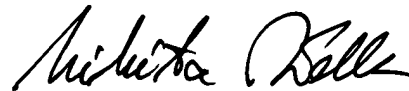
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Leybourne whose telephone number is (571) 272-2478. The examiner can normally be reached on M-F 9:00- 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on (571) 272-2477. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 11, 2004

JJL


NIKITA WELLS
PRIMARY EXAMINER 07/12/04